

Remarks

By this amendment claims 1, 14, 25, 27 and 30-35 are amended. Claims 1, 7-14, 21-28 and 29-35 are pending. Support can be found in the specification as filed, in particular as found in the previous claim set and as described below. No issue of new matter arises.

Claim Objections

Claims 1, 14, 25, 27 and 30-35 are amended in accordance with the Examiner's suggestions. Reconsideration and withdrawal of these objections are respectfully requested.

Rejections Under § 112, second paragraph

Claims 33-35 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. The Office Action based this rejection on the recitation in claim 1 relating "hirudin" while claim 33 recites "hirudin or lepirudin". Claims 34 and 35 were rejected because each ultimately depended from claim 33. The present claim 1 is amended to incorporate the language of claim 33. Reconsideration and withdrawal of this rejection are respectfully requested.

Provisional Double Patenting Rejection

Claims 1 and 7-13 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over US application number 10/076,631. Claims 1, 9, 12-14, 21 and 25-28 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over US patent 7,202,059. A Terminal Disclaimer is attached to obviate this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

Entry of the amendment is proper under 37 C.F.R. §1.116 because the amendments a) place the application in condition for allowance; b) do not raise new issues requiring further search and/or consideration; c) comply with a suggestion made in the Office Action; and/or d) place the application in better condition for appeal should an appeal be necessary.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of all pending rejections. Applicant respectfully submits that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

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